



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, May 28, 2008

**9:00 a.m.
City Council Chambers
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **May 28, 2008**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Maria Rodriguez (maria.rodriguez@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

- a. **H07-030**. Site Development Permit to allow the demolition an existing single-family residence, tank house and associated accessory structures and the construction of a 133,250 s.f. mini-storage facility, including a caretaker's residence, on a 4.4 gross acre site in the HI Heavy Industrial Zoning District, located on the northwest corner of Curtner Avenue and Stone Avenue (2185 STONE AV) (Extra Space Storage, Owner). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration.
Deferred to 6/04/2008.
Project Manager, Chris Burton
- b. **PDA85-024-01**. Planned Development Permit Amendment to remove a total of 21 live trees including: 12 Sycamore trees, two Ash trees, six Alder trees and one pepper tree located in a single-family attached residential complex in the A(PD) Planned Development Zoning District, located on the southwest corner of Spring Hill Way and Calcaterra Drive (1331 COPPER PEAK LN) (Beato-Day Pamela A And Day Brian H, Owner). Council District 10. CEQA: Exempt.
Dropped; to be renoticed.
Project Manager, Misty Mersich

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff, or the public to have an item removed from the consent calendar and considered separately.

- a. **TR08-117**. Tree Removal Permit to allow the removal of one (1) Monterey Pine tree, approximately 63 inches in cricumference, on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 690 Morse Street (Stephen M. Inoue & Sau P. Tam, owners). Council District 6. CEQA: Exempt.
Project Manager, Suparna Saha
- b. **TR08-111**. Tree Removal Permit to allow the removal of one Magnolia tree, approximately 72 inches in circumference, on a 0.80 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1318 Arnold Avenue (Tracy Deitschman, owner). Council District 3.
CEQA: Exempt.
Project Manager, Suparna Saha

- c. [TR08-107](#). Tree Removal Permit to allow the removal of two (2) Monterey Pine trees, approximately 57 and 90 inches in circumference, on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1456 Hanchett Avenue (Theo Loevenich, Owner). Council District 6. CEQA: Exempt.
Project Manager, Suparna Saha
- d. [TR08-105](#). Live Tree Removal Permit for the removal of one (1) Locust tree, approximately 103 inches in circumference, from the front yard of a detached single family residential lot in the R-1-8 Single-Family Residence Zoning District, located at 1400 Stephen Way (Chen, Zongbo and Huang Carrie, Owner). Council District 1. CEQA: Exempt.
Project Manager, Rachel Roberts
- e. [SP07-060](#). Special Use Permit to legalize an existing accessory structure containing 734 square feet in the rear yard of the existing single family residence on 0.11 gross acre site in the R-2 Two-Family Residence Zoning District, located at/on the west side of 14th Street, approximately 210 feet south of E. Julian Street (255 N 14TH ST) (Ochoa Sergio And Eloisa, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt.
Project Manager, Michelle Stahlhut
- f. [T08-023](#). Tentative Map Permit for an environmental subdivision to subdivide one parcel into two lots on a 916.4 gross acres site in the R-1-1 Single-Family Residence Zoning District, located approximately 2.3 miles east-southeast of the intersection of Highway 101 and Coyote Creek Golf Drive and west of Anderson Lake (Castle & Cooke Homes Ca Inc, Owner). Council District 2. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- g. [H08-011](#). Site Development Permit to allow an addition of 277 square feet to an existing two-family residence (duplex) on a 0.15 gross acre site in the R-2 Two-Family Residence Zoning District, located at 593 & 595 Feldspar Drive (Hoanh Le, Owner). Council District: 7. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- h. [TR08-092](#). Tree Removal Permit to allow the removal of one Monterey Pine tree and one Coast Redwood tree, approximately 113 and 119-inches in circumference, respectively, from the front yard of an existing single-family detached residence in the R-1-5 Single-Family Residence Zoning District, located at the 3927 Timberline Drive (Mr Larry Summers, Owner). Council District 8. CEQA: Exempt.
Project Manager, Bill Roth
- i. [TR08-094](#). Tree Removal Permit to allow the removal of one (1) Raywood Ash tree, approximately 94-inches in circumference, from the front yard of an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at 1473 Farrington Drive (Sally M. Austin, Owner). Council District 5. CEQA: Exempt.
Project Manager, Rachel Roberts
- j. [PDA79-074-01](#). To remove one Camphor tree, approximately 72 inches in circumference, located in the common area of a multifamily residential complex in the A(PD) Planned Development Zoning District, located on the west end of Leibelt Court, 150 feet from Meridian Avenue (1020 LIEBELT CT) (Patricia J. Sousa, Trustee, Owner). Council District 6. CEQA: Exempt.
Project Manager, Rachel Roberts

- k. **TR08-006**. Tree removal permit for one live silk oak tree, measuring 88 inches in circumference, located in the rear yard of a Single Family Detached Residence in the R-1-8 Single-Family Residence Zoning District, located at 1824 Nestorita Way (1824 NESTORITA WY) (Nanette Lee Et Al, Owner). Council District 9. CEQA: Exempt.
Project Manager, Bill Roth
- l. **H07-042**. Site Development permit to allow construction of 2 single-family attached residential units on a 0.14 gross acre site in the R-M Multiple Residence Zoning District, located on the north side of Grand Boulevard, approximately 380 feet west of Essex Ave (Faisel Rehman, Owner). Council District: 4. SNI: None. CEQA: Exempt.
Deferred from 05/14/2008.
Project Manager, Licinia McMorrow
- m. **TR08-128**. Live Tree Removal Permit for the removal of one Modesto Ash (*Fraxinus velutina*) tree, approximately 96 inches in circumference, from the front yard of a single family residence located at 1526 Clarita Avenue, within a R-1-8 Zoning District (Timothy J and Carol P Haley, Owners). Council District 1. CEQA: Exempt.
Project Manager, Allen Tai

The consent calendar is now closed.

3. **PUBLIC HEARING**

a.

This concludes the Planning Director's Hearing for May 28, 2008. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSÉ

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.